

STAND. COM. REP. NO. 609

Honolulu, Hawaii

FEB 14 2025

RE: S.B. No. 1285
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Transportation and Culture and the Arts, to which was referred S.B. No. 1285 entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the offense of operating a vehicle while impaired and penalties;
- (2) Authorize the Department of Transportation to take administrative action; and
- (3) Prohibit plea deals allowing a person charged with operating a vehicle under the influence of an intoxicant to plea down to a lesser charge of operating a vehicle while impaired.

Your Committee received testimony in support of this measure from the Department of Transportation, Office of the Prosecuting Attorney, one member of the Hawai'i County Council, Hawai'i Alcohol Policy Alliance, East Hawai'i Drug Free Coalition, SparksInitiatives, Mala Hanai Pua LLC, and thirty individuals.



Your Committee received testimony in opposition to this measure from Office of the Public Defender and Department of the Prosecuting Attorney of the County of Maui.

Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the amount of traffic fatalities is greatly reflected in the legal limit of blood alcohol concentration. Your Committee further finds that driving with a blood alcohol concentration of even .05 grams of alcohol per one hundred milliliters of blood can impair driving ability and lead to a greater chance of a fatal crash. By establishing the offense of operating a vehicle while impaired, this measure will prevent vehicle accidents and increase public safety.

Your Committee notes the testimonies of the Department of the Prosecuting Attorney of the County of Maui and Attorney General regarding the prohibition of prosecutors for plea deals. Your Committee also notes the concerns of the Department of Transportation with the misleading impression of fines.

Accordingly, your Committee has amended this measure by:

- (1) Specifying that individuals who commit the offense of operating a vehicle while impaired shall be subject to proceedings under chapter 291D, Hawaii Revised Statutes;
- (2) Including additional civil or administrative penalties to be fined;
- (3) Deleting language that would have required a prosecuting attorney to not dismiss a charge in exchange for a defendants agreement to a change of plea on a lesser charge;
- (4) Deleting language that would have allowed the Department of Transportation to implement administrative actions against individuals who operate a vehicle while impaired;
- (5) Requiring the Department of the Attorney General to submit reports to the Legislature regarding certain



statistics relating to the offense of operating a vehicle while impaired;

- (6) Amending section 1 to reflect its amended purpose; and
- (7) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation and Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1285, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1285, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
Culture and the Arts,



CHRIS LEE, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Transportation and Culture and the Arts
TCA

Bill / Resolution No.:* SB 1285	Committee Referral: TCA, JDC	Date: 02/06/25		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	✓			
INOUYE, Lorraine R. (VC)				✓
ELEFANTE, Brandon J.C.	✓			
KANUHA, Dru Mamo	✓			
DECORTE, Samantha	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes